

COUNSEL PRO HAC VICE PROGRAM RULES AND REGULATIONS
(Amended by the Board of Governors July 27, 2001)
(Subject to approval by the Supreme Court)

1.0 Purpose

The purpose of the Counsel Pro Hac Vice Program Rules and Regulations is to provide for the operation of a program with procedures and standards of admission that will track a non-member out-of-state attorney's appearances in a particular cause pending in a court of record in California.

2.0 Definitions

- 2.1 A "Counsel Pro Hac Vice" is an attorney who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court, the District of Columbia, or of the highest court in any state, territory or insular possession of the United States, who has been retained to appear in a particular matter pending in a court of this state, and is eligible under section 3.0 of these Rules.
- 2.2. The "Rules" are the Counsel Pro Hac Vice Program Rules and Regulations..
- 2.3. The "State Bar" is the chief executive officer of the State Bar, or a person or persons designated by the chief executive officer, who shall have the authority to administer and interpret these Rules.
- 2.4 A "member" is a person admitted and licensed to practice law in this State, except justices and judges of courts of record during their continuance in office.

3.0 Eligibility

To be eligible to be a Counsel Pro Hac Vice, an attorney:

- 3.1 Must not be:
 - 3.1.1 a member of the State Bar of California;
 - 3.1.2 a resident of the State of California;
 - 3.1.3 regularly employed in the State of California;
 - 3.1.4 regularly engaged in substantial business, professional, or other activities in the State of California.
- 3.2 Must associate an active member of the State Bar of California as attorney of record.

4.0 Application

- 4.1 A verified application to appear pro hac vice shall be filed with the court of record together with proof of service by mail, in accordance with section 1013a of the Code of

Civil Procedure, of a copy of the application and of the notice of hearing of the application upon all parties who have appeared in the matter and upon the State Bar of California.

- 4.2 The application filed with the court of record must state the following:
 - 4.2.1 Name, residence and office address of the applicant;
 - 4.2.2 Name of all state and federal courts before which the applicant has been admitted to practice and dates of admission;
 - 4.2.3 Statement that the attorney is currently in good standing and eligible to practice law in the courts admitted;
 - 4.2.4 Statement that the applicant is not currently suspended or disbarred in any court;
 - 4.2.5 Statement disclosing discipline by any professional or occupational disciplinary agency or licensing board, whether in California or elsewhere;
 - 4.2.6 Title of each court and cause in which the applicant has filed an application to appear as counsel pro hac vice in California in the preceding two years, the date of each application and whether or not it was granted;
 - 4.2.7 Name, office address, telephone number and bar number of the active member of the State Bar of California who is the attorney of record;
 - 4.2.8 Statement of acknowledgment that application subjects the attorney to the jurisdiction of the courts of California with respect to the laws of the State of California governing the conduct of attorneys to the same extent as a member of the State Bar of California, that the applicant is familiar with and will comply with the standards of professional conduct required of members of the State Bar of California, and that the applicant is subject to the disciplinary jurisdiction of the State Bar with respect to any of his or her acts occurring in the course of an appearance;
 - 4.2.9 Statement of agreement to comply with all the requirements of these Rules.
- 4.3 The copy of the verified application served upon the State Bar must be:
 - 4.3.1 served at the office designated by the State Bar;
 - 4.3.2 accompanied by a non-refundable processing fee of \$50.
- 4.4 The notice of hearing shall be given at the time prescribed in section 1005 of the Code of Civil Procedure unless the court has prescribed a shorter period.
- 4.5 Application for appearance in the Supreme Court of California or a Court of Appeal shall be made as provided in rule 41, California Rules of Court, with proof of service upon all parties who have appeared in the matter and upon the State Bar of California at the office designated by the State Bar.

5.0 Designation

A person admitted as Counsel Pro Hac Vice pursuant to these Rules shall not in any way hold himself or herself out as a member of the State Bar of California.

6.0 Duration

An appearance of a Counsel Pro Hac Vice shall commence on the date the Court grants the application and shall continue for that particular cause in the discretion of the court.

7.0 Denial of Application

7.1 Absent special circumstances, repeated appearances by any person pursuant to this Rule shall be a cause for denial of an application.

7.2 A copy of the court order denying the application and, if given, any reasons for the denial shall be submitted by the applicant to the State Bar of California within thirty (30) days.

8.0 Contempt and other Court Sanctions; Discipline

8.1 Attorneys permitted to appear as Counsel Pro Hac Vice pursuant to this Rule shall be subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of California. The attorney shall become familiar and comply with the standards of professional conduct required of members of the State Bar of California and shall be subject to the disciplinary jurisdiction of the State Bar of California with respect to any acts occurring in the course of such appearance.

8.2 This Rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a member of the State Bar, but who is licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding.

9.0 Public Nature of Records

An applicant's status as a Counsel Pro Hac Vice and the information contained in the application served upon the State Bar of California is not confidential and shall be disclosed upon request to any interested person, except to the extent that disclosure is prohibited by law.